

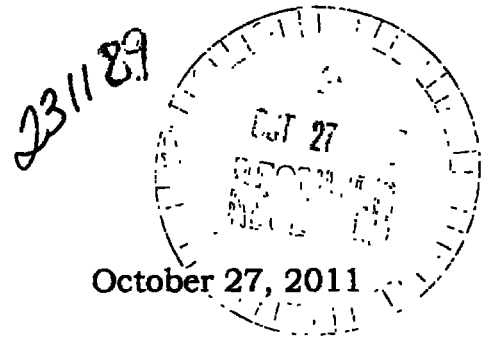
**RICHARD H. STREETER**

ATTORNEY AT LAW  
5255 Partridge Lane, N.W.  
Washington, D.C. 20016  
tele: 202-363-2011 fax: 202-363-4899  
rhstreeter@gmail.com

ENTERED  
Office of Proceedings

OCT 27 2011

Part of  
Public Record



October 27, 2011

Via Hand Delivery

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

**FILED**

OCT 27 2011

**SURFACE  
TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings

OCT 27 2011

Part of  
Public Record

Re: Petition for Exemption to Abandon a portion of the Norman Branch  
Line from M.P. 429.45, near Gurdon, to M.P. 447, near Antoine, in  
Clark and Pike Counties, Arkansas, STB Docket No. AB-1076  
(Sub-No. 1X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for abandonment and  
discontinuance of service (49 C.F.R. § 1152.60), I am hereby filing this Petition  
for Exemption, including a Certificate of Service and Publication.

Please file the Petition for Exemption in Docket No. AB-1076(Sub-No.  
1X). Enclosed is a check in the amount of \$6,400.00 for the filing fee. Because  
the Caddo Valley Railroad Company is insolvent, it is respectfully requested  
that the filing fee be waived on the grounds that payment of the fee will impose  
an undue hardship upon the requestor. A detailed explanation is set forth in  
my accompanying letter of this date.

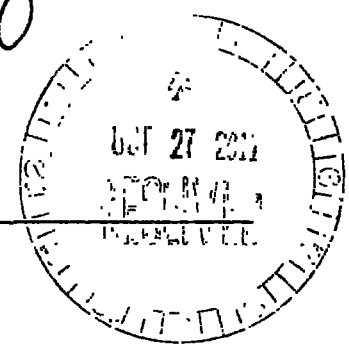
Sincerely,

Richard H. Streeter

RHS:rs

cc: All Concerned Parties  
Attachments

231190



Before the  
SURFACE TRANSPORTATION BOARD

ENTERED  
Office of Proceedings

OCT 27 2011

Part of  
Public Record

Docket No. AB-1076 (Sub-No. 1X)

CADDO VALLEY RAILROAD COMPANY  
-- ABANDONMENT --  
IN PIKE AND CLARK COUNTIES, ARKANSAS

**FEE RECEIVED**

PETITION FOR ABANDONMENT EXEMPTION

**FILED**

OCT 27 2011

I.

OCT 27 2011

SURFACE  
TRANSPORTATION BOARD

**INTRODUCTION**

SURFACE  
TRANSPORTATION BOARD

Caddo Valley Railroad Company ("CVRR") hereby petitions the Board, pursuant to 49 U.S.C. § 10502, to grant an exemption from 49 U.S.C. § 10903 in order to permit abandonment and discontinuance of service on a segment of the Norman Branch Line from Mile Post 429.45, near Gurdon, and Mile Post 447, near Antoine, in Pike and Clark Counties, Arkansas, a total of 17.55 miles ("the Line"). As will be explained, although in the past there were active shippers located on the segment of the Norman Branch Line north of Mile Post 447 whose shipments crossed over this segment of the Norman Branch, today there are no active shippers on the entire Norman Branch Line that would be adversely affected by the proposed abandonment.

**PETITIONER'S BACKGROUND AND REPRESENTATIVE**

CVRR acquired the entire Norman Branch Line from Arkansas Midland Railroad Company, Inc. ("AKMD") in September 2000 pursuant to the Feeder Line Development Program, 49 U.S.C. § 10907. *See, Caddo Antoine and Little Missouri Railroad Company – Feeder Line Acquisition – Arkansas Midland*

*Railroad Company Line Between Gurdon and Birds Mill, AR.* CVRR successfully operated the entire Norman Line for a number of years until it began to experience operational and financial difficulties, many of which were attributable to its corporate affiliate, Bean Lumber Company, Inc. (“Bean Lumber”).

Aware that it needed to seek assistance in order to preserve the Norman Branch from abandonment, CVRR entered into negotiations with Pioneer Rail Corp in 2005 that would have resulted in Pioneer acquiring CVRR’s outstanding common stock. However, before they could sell the stock, AKMD filed a Petition for Declaratory Order with the Board requesting the Board to not allow the sale of stock. In response, CVRR argued that if it were not able to sell to Pioneer, it was likely that the northern segment of the Norman Branch would likely be abandoned. Although CVRR was supported by Pioneer and the two major shippers located on the northern segment of the Norman Branch, CertainTeed Corporation and its subsidiary GS Roofing Products Company and Bean Lumber, the Board ruled that CVRR’s shareholders could not sell their stock to Pioneer, but would have to give AKMD the right of first refusal. See, *Arkansas Midland Railroad Company, Inc. – Petition for Declaratory Order – Caddo Valley Railroad Company*, STB Finance Docket No. 34865 (STB served May 2, 2007).

CVRR’s financial condition continued to deteriorate, which further adversely affected its ability to maintain the Norman Branch, which became inoperable. As a result, both CertainTeed and Bean Lumber turned to

transload operations to satisfy their transportation needs. At this time, CertainTeed continues to utilize truck/rail transload service, while Bean Lumber has declared bankruptcy and ceased all operations.

In September 2010, CVRR had no choice but to request AKMD to provide emergency service on its behalf for Georgia-Pacific LLC ("Georgia-Pacific"), which is the only remaining shipper on the entire Norman Branch Line. *See, STB Finance Docket No. 35416, Arkansas Midland Railroad Company, Inc. – Alternative Rail Service – Line of Caddo Valley Railroad Company.* As explained at pp. 2-3 of AKMD's "Petition for Emergency Service Order (emphasis added):

CVR currently provides service only on the Gurdon Segment of the Norman Branch, and this emergency service order petition relates only to that segment. CVR ceased operations on the Norman Branch north of Antoine, Arkansas in May, 2009, and *that trackage is inoperable*. After the truck-to-rail site used for Bean Lumber traffic was relocated from Antoine to a location on the Gurdon Segment in June, 2010, CVR ceased operations to Antoine as well. Besides Bean Lumber, no other active shippers were located on the segment of the Norman Branch between the Gurdon Segment and Antoine.

In order to preserve rail service to Georgia-Pacific, CVRR has sold the Gurdon segment of the Norman Branch back to AKMD. As the Interstate Commerce Commission previously ruled, such "re-sell" transactions as required by the Feeder Development Program do not require prior Board approval. *See, Cheney Railroad Company, Inc. -- Feeder Line Acquisition -- CSX Transportation, Inc. Line Between Greens and Ivalee, AL*, Finance Docket No. 31012 (ICC served March 11, 1994) in which the ICC held that where the incumbent rail carrier re-acquires a line segment pursuant to the right of first

refusal provision of 49 U.S.C. 10910(h) [now 49 U.S.C. 10907(h)], no separate approval or exemption is required for the transaction.

CVRR is in the process of abandoning the northernmost 32.2 miles of the Norman Branch pursuant to the provisions of 49 C.F.R. § 1152.50 governing exempt abandonments and discontinuances of service. *See*, STB Docket No. AB-1076X, *Caddo Valley Railroad Company – Abandonment Exemption – In Clark, Pike and Montgomery Counties, AR*. As explained therein, and as confirmed herein, no traffic has moved over the northernmost segment of the Norman Branch for over two years. Because no shippers are located on the segment of track that is the subject of this petition, there is no present or future need to operate over it. Therefore, CVRR seeks exemption of this proposed abandonment from regulation under 49 U.S.C. § 10903 in accordance with 49 U.S.C. § 10502 and the Rules applicable thereto at 49 C.F.R. § 1121 and 49 C.F.R. § 1152 and the Special Rules at 49 C.F.R. § 1152.60.

Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CVRR does not intend to disturb any bridges or sub grade or sub grade structures. CVRR anticipates that it may enter into an agreement with Southwest Arkansas Regional Intermodal Authority, which will rail bank the right-of-way in order to preserve the rail corridor, which consists of easements dating back to the 19<sup>th</sup> and early part of the 20<sup>th</sup> Century.

The name, address and telephone number of CVRR's representative is listed below:

Richard H. Streeter  
5255 Partridge Lane, N.W.  
Washington, D.C. 20016  
202-363-2011 (Tel)  
202-363-4899 (FAX)  
[rhstreeter@gmail.com](mailto:rhstreeter@gmail.com)

### **III.**

#### **LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP**

The proposed action involves the abandonment and discontinuance of service on the segment of the Norman Branch Line from Mile Post 429.45, near Gurdon, and Mile Post 447, near Antoine, in Pike and Clark Counties, Arkansas, a total of 17.55 miles ("the Line"). There are no shippers on the Line that will be adversely affected by the proposed abandonment.

The portion of the Line from Mile Post 429.45 to Mile Post 441 was originally constructed in 1885 by the Southwestern Arkansas & Indian Territory Railroad ("SA&ITRR") as 3-foot gauge and was converted to standard gauge in 1891. In 1893, SA&ITRR constructed the portion of the Line from Milepost 441 to Mile Post 447. In 1909, the Line came under control of the St. Louis, Iron Mountain & Southern (which was controlled by the Missouri Pacific Railroad, which itself was subsequently acquired by Union Pacific). AKMD acquired the Line from Union Pacific Railroad in February 1992. In September 2000, CVRR acquired the Line from AKMD pursuant to the Feeder Railroad Development Program (49 U.S.C. § 10907). The Line is currently constructed with 85 pound rail installed in 1944. Prior to the cessation of rail service in

2009, the Line primarily was used to transport raw materials, such as lumber products and crushed stone

Based on information in CVRR's possession, the Line proposed for abandonment does not contain federally granted right-of-way. The Line traverses U.S. Postal Service Zip Codes 71743 and 71922.

A map of the Line proposed for abandonment is attached hereto as Attachment No. 1 and is hereby made a part hereof. Other rail lines in the area, principal highways and other roads are shown on the map. CVRR knows of no historic sites or structure or archeological resources in the project area.

By letter dated October 5, 2011, CVRR was requested to provide 7.5 minute, 1:24,000 scale U.S.G.S. topographic maps clearly delineating the project area, as well as a project description detailing all aspects of the proposed project and the location, age, and photographs of structures to be renovated, removed, demolished, or abandoned. All such materials have been forwarded to the Department of Arkansas Heritage, Arkansas Historic Preservation Program. See Attachment 2 attached hereto. To date, CVRR has not received a final response. CVRR is diligently seeking such response and is offering whatever assistance it can to the Preservation authorities.

#### **IV.**

#### **SHIPPER INFORMATION**

The proposed abandonment will have no adverse effect on any customers. There will be no increase in rail traffic, rail yard activity or truck traffic as a result of the proposed action. There will be no effect on regional or

local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

No shippers are located on the segment of the Norman Branch Line that is the subject of this petition. For a brief period after CVRR was forced to cease operations over the northernmost segment of the Norman Branch, Bean Lumber established a transload facility at Mile Post 447 and used the Line for that purpose until the transload facility was moved to a location near Gurdon in June 2010. The new transload facility is located on the segment of the Norman Branch Line that is being operated by AKMD. There are no active shippers who have utilized the tracks for overhead traffic during the past two years.

CVRR has had various contacts with CertainTeed and is aware that CertainTeed's needs are being satisfied by a transload operation provided by AKMD. Bean Lumber, as noted above, has declared bankruptcy and has no current or future need for rail service.

## **V.**

### **REASONS FOR THE ABANDONMENT AND DISCONTINUANCE**

Given the circumstances described above, the abandonment will have no adverse effect on any Shippers. Because of the lack of any known potential future need for rail service, coupled with CVRR's financial situation and the bankruptcy of Bean Lumber, its corporate affiliate, the Board should grant the petition and permit the orderly abandonment of the Norman Branch north of Mile Post 429.45.



Because the right-of-way consists of reversionary interests, CVRR has agreed to enter into negotiations with the Tri-County Intermodal Authority in order for the Authority to rail bank it. In the event that a need would develop in the future, the right-of-way would be intact and available for future rail service. Until that time, the right-of-way could possibly be used for a trail or utility lines.

## **IX.**

### **LABOR**

The interests of railroad employees who may be adversely affected, if any, will be adequately protected by the labor protection conditions set forth in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 ICC 91 (1979).

## **X.**

### **NEWSPAPER PUBLICATION**

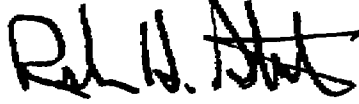
A draft Federal Register notice is attached hereto as Exhibit 1. The newspaper notice required by 49 C.F.R. § 1105.2 was published in the *Arkansas Democrat Gazette*, a newspaper of general circulation in Clark and Pike Counties, on October 5, 2011. A copy of the notice, as published, is attached as Exhibit 2.

### **CONCLUSION**

For all the above-stated reasons, the Board should authorize abandonment of the segment of the Norman Branch Line from Mile Post 429.45, near Gurdon, and Mile Post 447, near Antoine, in Pike and Clark

Counties, Arkansas, a total of 17.55 miles, all of which is the subject of the instant Petition for Exemption.

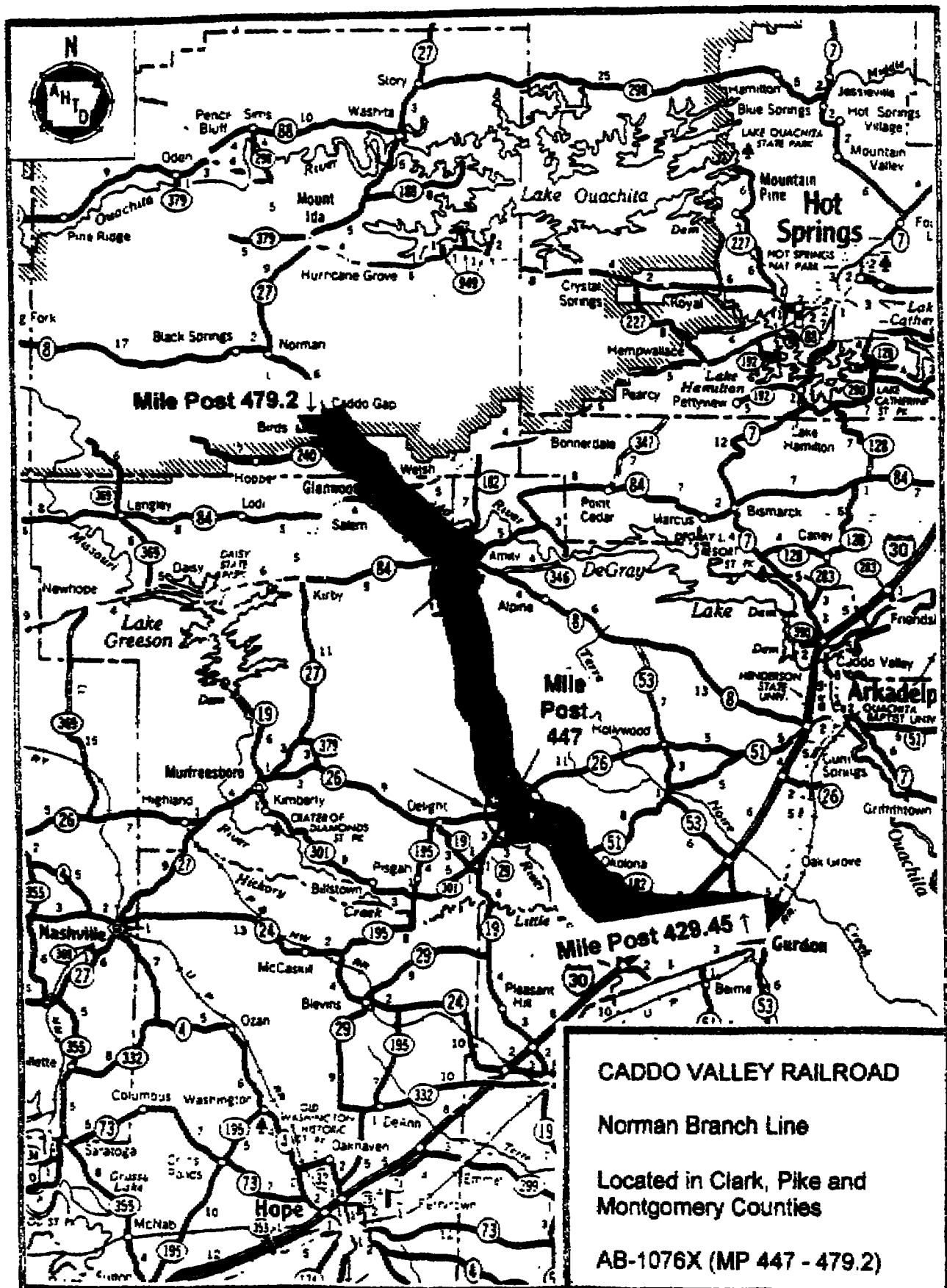
Respectfully submitted,

A handwritten signature in black ink, appearing to read "R.H. Streeter", written over a horizontal line.

Richard H. Streeter  
Counsel to  
Caddo Valley Railroad Company

Dated: October 27, 2011

**Attachment No. 1**



**Attachment No. 2**

**RICHARD H. STREETER**

ATTORNEY AT LAW  
5255 Partridge Lane, N.W.  
Washington, D.C. 20016  
tele: 202-363-2011 fax: 202-363-4899  
rhstreeter@gmail.com

Via e-mail: [info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

October 10, 2011

George McCluskey  
Section 106 Review Coordinator  
The Department of Arkansas Heritage  
1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

Re: Caddo Valley Railroad Company, Abandonment Projects from MP 429.45 to MP 447, and from MP 447 to MP 479.2

Dear Mr. McCluskey:

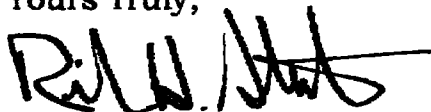
This letter is written in response to your letter of October 5, 2011. These projects both involve the abandonment of rail lines and the discontinuance of rail service from MP 429.45 to MP 479.2. A full description of the projects is contained in the Draft Combined Environmental and Historic Report ("EHR") that was forwarded to you on October 7, 2011. Due to its insolvency and the total collapse of its business between the points involved over the past two years, Caddo Valley Railroad Company ("CVRR") is unable to continue rail operations. Upon being authorized to abandon and discontinue operations, CVRR intends to salvage the track and track materials unless an appropriate Offer of Financial Assistance is received. CVRR has been notified that the Southwest Arkansas Regional Intermodal Authority may be interested in pursuing an OFA in order to railbank the corridor and create a trail.

In order to assist the Authority, CVRR intends to remove the track but otherwise leave all bridges intact. As more fully discussed in the draft EHR, the bridges date back to the original construction of the line. The portion of the line from MP 447 to 479.2 was constructed in 1907 by the Gurdon & Fort Smith Railroad. The portion of the line from MP 441 to MP 447 was constructed in 1893 by the Southwestern Arkansas & Indian Territory RR. That same company constructed the portion of the line from MP 429.45 to MP 441 in 1885 and converted it to standard gauge in 1891. Photographs of the bridges will be hand-delivered Mr. James E. Smith, Jr., Smith Akins, P.A. on or about October 11, 2011. In response to your request for 7.5 minute, 1:24,000 scale U.S.F.S. topographic maps, Mr. Smith will also hand deliver them to you.

George McCluskey  
Section 106 Review Coordinator  
October 10, 2011  
Page 2

If you require additional information, please contact me at 202-363-2011. Thank you in advance for your expeditious handling of this matter.

Yours Truly,

A handwritten signature in black ink, appearing to read "R.H. Streeter", with a long horizontal flourish extending to the right.

Richard H. Streeter  
Counsel for  
Caddo Valley Railroad Company

RHS:rs  
Enclosures  
Cc: James W. Smith

## Exhibit 1



STB No. AB-1076 (Sub-No.1X)

## Notice of Petition for Exemption To Abandon or To Discontinue Service

On October 27, 2011, Caddo Valley Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the Norman Branch Line, extending from railroad milepost 429.45 near Gurdon to rail milepost 447 near Antoine, which traverses through 71921, 71922, 71940 and 71943 United States Postal Service ZIP Codes, a distance of 17.55 miles, in Clarke and Pike Counties, AR. The line for which the abandonment exemption request was filed includes the stations of Summit, milepost 433.1, Okolona, milepost 441.0 and Pike City Junction, milepost 446.5.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

## Exhibit 2

**DOCKET NO. AB-1076 (Sub.-No. 1X)  
NORMAN BRANCH SEGMENT**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(D)(1) – Notice**

The undersigned certifies that on September 29, 2011, written notice was given of Caddo Valley Railroad's intent to file a petition for exemption to abandon the segment of the Norman Branch Line from MP 429.45 near Gurdon to MP 447 near Antoine, in Clark and Pike Counties, Arkansas in Docket No. AB-1076 (Sub-No. 1X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Arkansas Public Service Commission  
1000 Center Street  
Little Rock, AR 72201

National Park Service  
Recreation Resources Assistance  
Division  
Midwest Region  
601 Riverside Drive  
Omaha, NE 68102-4226

U.S. Dept. of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, N.W. Auditors Bldg.  
14<sup>th</sup> St. & Independence Ave., SW  
Washington, D.C. 20250

Department of Defense  
Surface Deployment Distribution  
Command  
Transportation Engr. Agency  
Railroads for National Defense  
Program  
709 Ward Drive  
Scott Air Force Base, IL 62225

**49 C.F.R. § 1105.11 – Transmittal Letter for Applicant's Report**

The undersigned certifies that on October, 7, 2011, a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-1076X for abandonment of the segment of

the Norman Branch Line from MP 429.45 near Gurdon to MP 447 near Antoine in Clark and Pike Counties, Arkansas, on the following:

State Clearinghouse (or alternate):

Arkansas State Clearing House  
400 East Capitol Avenue  
Little Rock, AR 72202-2418

State Environmental Protection Agency

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

State Coastal Zone Management Agency

(If applicable):

Not Applicable

Head of County:

West Central Arkansas Planning & Development  
District  
835 Central Avenue, Suite 201/P.O. Box 21100  
Hot Springs, AR 71901

Environmental Protection Agency

(Regional Office):

Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, TX 75202

State Historic Preservation Office:

Arkansas Historic Preservation Program  
1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 4  
1875 Century Blvd.  
NE Suite 400  
Atlanta, GA 30345

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers  
Little Rock District  
PO Box 867  
Little Rock, AR 72203

National Park Service:

National Park Service  
Midwest Region  
120 Russell Labs  
1630 Linden Drive  
Madison, WI 53706

U.S. Natural Resources Conservation Service

State Conservationist  
Natural Resource Conservation Service  
700 West Capitol Ave.  
Little Rock, AR 72201

National Geodetic Survey:

National Geodetic Survey  
Geodetic Services Division  
Information Services  
NOAAINGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**49 C.F.R. § 1105.12- Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Petition for Exemption (a copy of which is attached hereto as Attachment A). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

**County**

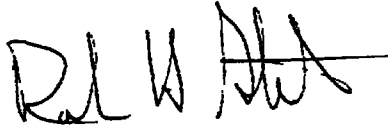
**Newspaper**

**Date**

Certificate of Service and Publication 1076 (Sub. No. 1X)

Pike	Arkansas Democrat Gazette	10/5/2011
Clark	Arkansas Democrat Gazette	10/5/2011

**Dated this 27th day of October, 2010.**

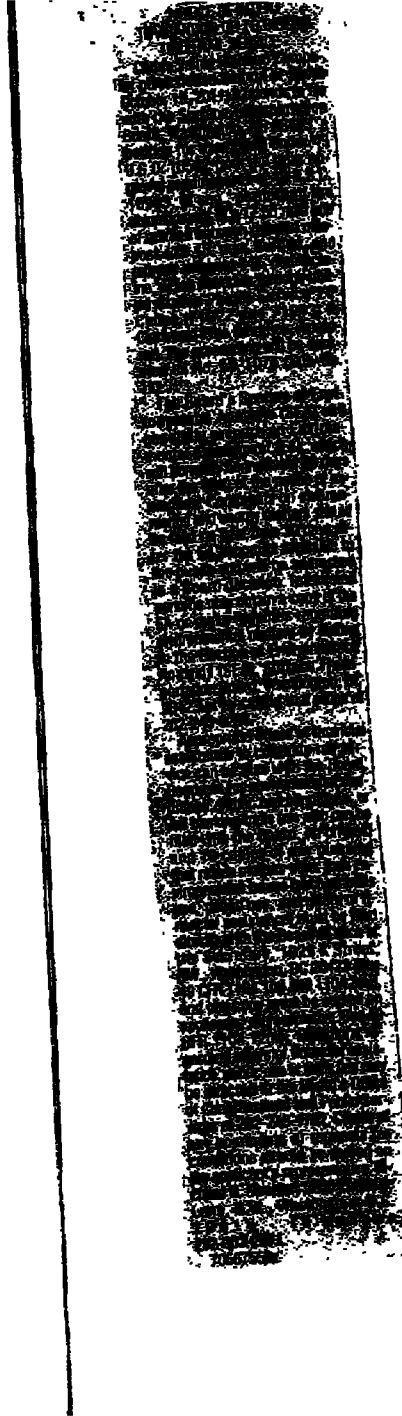
A handwritten signature in black ink, appearing to read "R. H. Streeter", written over a horizontal line.

Richard H. Streeter

# Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING

Attachment  
A  
to Ex. 2



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-1076 (Sub-No. 1X)  
CADDO VALLEY RAILROAD COMPANY -  
ABANDONMENT EXEMPTION -  
IN CLARK, PIKE AND MONTGOMERY COUNTIES, AR

---

Caddo Valley Railroad Company ("CVRR") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(d), respectively, for a Petition for Exemption of the abandonment of a segment of the Norman Branch line from Milepost 429.45 near Gurdon to Milepost 447 near Antoine, a total distance of 17.55 miles in Clark and Pike Counties, Arkansas (the "Line"). The Line traverses U.S. Postal Service Zip Codes 71922 and 71943. CVRR anticipates that it will file a Petition for Exemption to abandon the Line on or after October 27, 2011.

A map of the Line (Attachment No. 1) and CVRR's letter to federal, state and local government agencies (Attachment No. 2) are attached to this EHR. Responses received thus far to CVRR's letters are also attached.

**ENVIRONMENTAL REPORT**  
**49 C.F.R. 1105.7(e)**

**(1) PROPOSED ACTION AND ALTERNATIVES.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

**Responses:** Caddo Valley Railroad Company ("CVRR") proposes to abandon approximately 17.55 miles of its rail line between Railroad Milepost

479.2, which is a portion of the northern segment of the Norman Branch Line. Due to deteriorated track conditions and seriously adverse financial circumstances, CVR was compelled to suspend all rail services on the Line in May 2009. No local traffic has moved over the Line during the past two years, and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in the past two years.

The Line has had only two customers in the past ten years, Bean Lumber Company, Inc., which is affiliated with CVRR, and GS Roofing Products Company, Inc., a subsidiary of CertainTeed. Bean Lumber Company, Inc. has ceased operations and filed for bankruptcy. CertainTeed has satisfied its shipping needs through a transload operation with AKMD.

Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CVRR does not intend to disturb any bridges or sub grade or sub grade structures. CVRR anticipates that it will enter into an agreement with Southwest Arkansas Regional Intermodal Authority, which will rail bank the right of way in order to preserve the rail corridor, which consists of easements dating back to the 19th and early part of the 20th Century.

A map of the Line is attached. See Attachment 1.

**(2) Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Because no traffic uses the Line, the proposed abandonment will



have no impact on area transportation systems and patterns.

**(3) Land Use.**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe the inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Responses:** (i) CVRR is unaware of any adverse effects on local and existing land use plans. The West Central Arkansas Planning and Development District has been contacted. To date, CVRR has received no response.

(ii) The Natural Resource Conservation Service ("NRCS") has been contacted. To date, CVRR has received no response.

(iii) Not Applicable.

(iv) The right-of-way proposed for abandonment is suitable for other public purposes. In particular, the right-of-way upon which the Line is located could be used for a pedestrian trail or for public utility occupations.

**(4) Energy**

(i) Describe the effect of the proposed action on transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
  - (A) 1,000 rail carloads a year, or
  - (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Responses:** (i) There are no effects on the transportation of energy resources.

(ii) There are no effects on the movement of recyclable commodities, or ozone depleting chemicals moved over the Line.

(iii) The activity and diversion thresholds used to calculate the effect on noise, air quality, or energy consumption will not be exceeded.

(iv)(A)(B) Because no traffic has moved over the Line for over two years, the abandonment will not cause any diversions from rail-to-motor.

**(5) Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

**Responses:** CVRR does not anticipate any such effects.

**(5) Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of a least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

**(5) Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not involve or affect the transportation of ozone depleting materials.

**(6) Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the

project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

**(7) Safety.**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Responses:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

**(8) Biological resources.**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State

parks or forests will be affected, and describe any effects.

**Response:** (i) The U.S. Fish and Wildlife Service has been contacted. To date, CVRR has not received a response.

(ii) The U.S. Fish and Wildlife Service has been contacted. To date, CVRR has not received a response.

**(9) Water.**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The U.S. Environmental Protection Agency Regional Office and the Arkansas Department of Environmental Quality have been contacted. The response of the Water Division of the Arkansas Department of Environmental Quality is attached.

To date, no response has been received from the EPA.

(ii) The U.S. Army Corps of Engineers has been contacted. To date, CVRR has not received a response.

(iii) CVRR does not anticipate that there will be any requirements for Section 402 permits.

**(10) Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimension of railroad structures that are 50 years old or older and are part of the proposed action.

**Response:** Attached are copies of the map showing relevant Mile Posts. The line to be abandoned has been identified by a heavy black line. (See Attachment 1).

CVRR does not have information regarding structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

(2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

**Response:** The right of way width is generally 100 feet. The line traverses a rural portion of Southwest Arkansas and crosses multiple streams and rivers, including the Caddo, the Antoine and Little Missouri Rivers. The topography is generally level.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** There are no structures other than bridges. Appropriate photographs are attached of the bridges. The Arkansas Historic Preservation Agency has been contacted. To date, CVRR has received no response.

(4) The date(s) of construction of the structure(s) and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** The Line was constructed in 1907 by the Gurdon and Fort Smith Railroad, which was chartered in 1900. No other information is known regarding construction or alterations. The Line is currently constructed with 90-pound rail that was placed in service between 1940 and 1948.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** As described by W. M. "Mike" Adams, *A Journey Thru Time*, 26 Arkansas Railroader, November 1995, at 3, "[b]y 1903 the Iron Mountain Company acquired the property [of the Gurdon and Fort Smith Railroad] and completed construction from Antoine" to Caddo Gap, which is north of the current end of the Line at Mile Post 479.2. In 1909, the Line came under control of the St. Louis, Iron Mountain & Southern Railroad (which was controlled by the Missouri Pacific Railroad, which itself was subsequently acquired by Union Pacific). Arkansas Midland Railroad acquired the Line from Union Pacific Railroad in February 1992. In September 2000, CVRR acquired the Line from Arkansas Midland pursuant to the Feeder Railroad Development Program (49 U.S.C. § 10907). Prior to the cessation of rail service in 2009, the Line primarily was used to transport raw materials, such as lumber products and crushed stone.

Accounts of the historical significance of the railroad relating to the growth of Gurdon, Arkansas and the lumber industry in the region are published at *Horace Estes House, Gurdon, Clark County*, [http://www.arkansaspreservation.com/historic-properties/search\\_nomination\\_popup.asp?id=68](http://www.arkansaspreservation.com/historic-properties/search_nomination_popup.asp?id=68); and *Hoo-Hoo Monument, Gurdon, Clark County*, [http://www.arkansaspreservation.com/historic-properties/search\\_nomination\\_popup.asp?id=687](http://www.arkansaspreservation.com/historic-properties/search_nomination_popup.asp?id=687).

It is anticipated that following abandonment, the right-of-way will be preserved for interim trail use and rail banking pursuant to 16 U.S.C. 1247(d).

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** CVRR has no such documents in its possession.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions

(including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** CVRR does not know of any significance or uniqueness to the Line that would warrant your consideration. To the best of its knowledge, the Line is not associated with any event that has made a contribution to the broad patterns of history and was not associated with the lives of persons significant to its past. Nor does the Line have any features that embody distinctive characteristics of a type, period or method of construction or represent a significant and distinguishable entity whose components may lack individual distinction. Nor has the Line yielded, or may be likely to yield, information important in prehistory or history. To the extent that certain bridges on the Line (which are the only structures other than rail) may satisfy any of the above-mentioned criteria, they will remain in place following abandonment and be available for future study.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbances or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

**Response:** CVRR does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** The Arkansas Historic Preservation Agency has been contacted. By letter dated October 5, 2011, CVRR was requested to provide 7.5 minute, 1:24,000 scale U.S.G.S. topographic maps clearly delineating the project area, as well as a project description detailing all aspects of the proposed project and the location, age, and photographs of structures to be renovated, removed, demolished, or abandoned. All such materials have been forwarded to the Department of Arkansas Heritage, Arkansas Historic Preservation Program.



Dated this 7th day of October, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R.H. Streeter", with a long horizontal flourish extending to the right.

---

CADDO VALLEY RAILROAD COMPANY

By its Attorney, Richard H. Streeter

5255 Partridge Lane, N.W.

Washington, D.C. 20016

202-363-2011 (Tel.) 202-363-4899 (FAX)

rhstreeter@gmail.com

## CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-1076X was served by First Class U.S. Mail, postage prepaid, October 7, 2011, on the following parties:

Arkansas State Clearing House  
400 East Capitol Avenue  
Little Rock, AR 72202-2418

U.S. Fish & Wildlife Service, Region 4  
1875 Century Blvd.  
NE Suite 400  
Atlanta, GA 30345

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

U.S. Army Corps of Engineers  
Little Rock District  
PO Box 867  
Little Rock, AR 72203

West Central Arkansas Planning & Development  
District  
835 Central Avenue, Suite 201/P.O. Box 21100  
Hot Springs, AR 71901

National Park Service  
Midwest Region  
120 Russell Labs  
1630 Linden Drive  
Madison, WI 53706

Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, TX 75202

State Conservationist  
Natural Resource Conservation Service  
101 East Capitol Ave.  
Little Rock, AR 72201

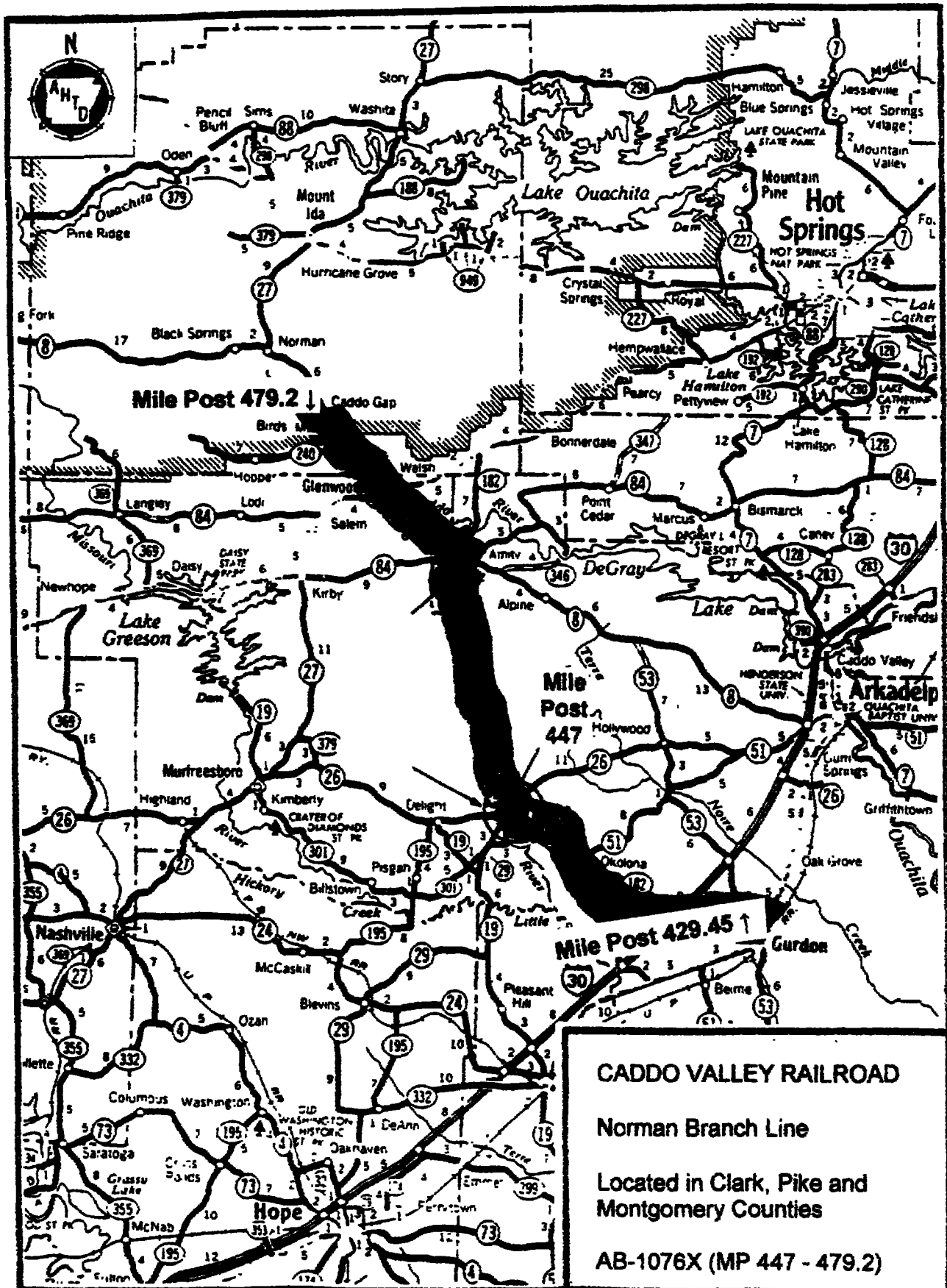
Arkansas Historic Preservation Program  
1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

National Geodetic Survey  
Geodetic Services Division  
Information Services  
NOAAINGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282



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Richard H. Streeter



September 29, 2011

State Clearinghouse (or alternate):

Arkansas State Clearing House  
400 East Capitol Avenue  
Little Rock, AR 72202-2418

State Environmental Protection Agency

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

State Coastal Zone Management Agency

(If applicable):

Not Applicable

Head of County:

West Central Arkansas Planning & Development  
District  
835 Central Avenue, Suite 201/P.O. Box 21100  
Hot Springs, AR

Environmental Protection Agency

(Regional Office):

Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, TX

State Historic Preservation Office:

Arkansas Historic Preservation Program  
1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 4  
1875 Century Blvd.  
NE Suite 400  
Atlanta, GA 30345

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers  
Little Rock District  
PO Box 867  
Little Rock, AR 72203

National Park Service:

National Park Service  
Midwest Region  
120 Russell Labs  
1630 Linden Drive  
Madison, WI 53706

U.S. Natural Resources Conservation Service

State Conservationist  
Natural Resource Conservation Service  
101 East Capitol Ave.  
Little Rock, AR 72201

National Geodetic Survey:

National Geodetic Survey  
Geodetic Services Division  
Information Services  
NOAAINGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Re: Proposed Abandonment of segment of the Norman Branch Line  
from Milepost 447 near Antoine to end of Line at Milepost 479.2  
near Birds Mill, a total distance of 32.2 miles in Clark, Pike and Montgomery  
Counties, Arkansas: STB Docket No. 1076X

To Whom It May Concern:

Caddo Valley Railroad Company plans to request authority from the Surface  
Transportation Board (STB) to abandon and discontinue rail service on the segment of the  
Norman Branch line from Railroad Milepost 447 near Antoine to Railroad Milepost 479.2  
near Birds Mill, a total distance of 32.2 miles in Clark, Pike and Montgomery Counties,  
Arkansas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental  
regulations at 49 C.F.R. Part 1105.7, this is to request your assistance in identifying any  
potential effects of this action as indicated in the paragraphs below. We do not anticipate any  
adverse environmental impacts. However, if you identify any adverse environmental impacts,  
describe any actions that are proposed in order to mitigate the environmental impacts. Please  
provide us with a written response that can be included in an Environmental Report, which will  
be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game and Parks Commission). If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to the undersigned.

Yours truly,



Richard H. Streeter  
Law Office of Richard H. Streeter  
5255 Partridge Lane, NW  
Washington, D.C. 20016  
(202) 363-2011  
[rhstreeter@gmail.com](mailto:rhstreeter@gmail.com)  
Attorney for Caddo Valley Railroad Company

RHS:rs  
Enclosure

Cc: Southwest Arkansas Regional Intermodal Authority  
Southwest Arkansas Regional Intermodal Authority  
2401 Dr. Martin Luther King, Jr. Street  
Arkadelphia, AR 71923



The Department of  
**Arkansas  
Heritage**

Mike Beebe  
Governor

Cathie Matthews  
Director

Arkansas Arts Council

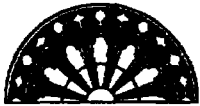
Arkansas Natural Heritage  
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars  
Cultural Center

Old State House Museum



**Arkansas Historic  
Preservation Program**

1500 Tower Building  
323 Center Street  
Little Rock, AR 72201

(501) 324-9880

fax: (501) 324-9184

tdd: (501) 324-9811

e-mail:

[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

website:

[www.arkansaspreservation.com](http://www.arkansaspreservation.com)

An Equal Opportunity Employer



October 5, 2011

Mr. Richard H. Streeter  
Law Office OF Richard H. Streeter  
5255 Partridge Lane, NW  
Washington, D.C. 20016

RE: Multi-County - General  
Section 106 Review - STB; AHPP Tracking#78985  
Proposed Norman Branch Line Railroad Abandonment  
Project From MP 429.45 To MP 447 In Clark And Pike  
Counties, Arkansas

Dear Mr. Streeter:

This letter is written in response to your inquiry,  
regarding properties of architectural, historical,  
or archeological significance in the area of the  
proposed referenced project.

In order for the Arkansas Historic Preservation  
Program (AHPP) to complete its review of the  
proposed project, we will need the additional  
information checked below:

1 **7.5 minute 1:24,000 scale U.S.G.S.**  
topographic maps **clearly delineating** the  
project area;

2 a project description detailing all aspects of  
the proposed project;

3 the location, age, and  
photographs of structures (if any) to be renovated,  
removed, demolished, or abandoned as a result of  
this project;

4 photographs of any structures 50 years old or  
older on property directly adjacent to the project  
area.

Once we have received the above information, we  
will complete our review as expeditiously as  
possible. If you have any questions, please  
contact me at (501) 324-9880.

Sincerely,

*George McCluskey*  
George McCluskey  
Section 106 Review Coordinator

## Richard Streeter

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**From:** Hooks, Jason <HOOKS@adeq.state.ar.us>  
**Sent:** Wednesday, October 05, 2011 1:53 PM  
**To:** 'rhstreeter@gmail.com'  
**Subject:** Environmental Reviews

Mr. Streeter,

I received two letters from you requesting environmental review. I provide the following comments on behalf of the ADEQ Water Division. The projects are the abandonment of the Norman Branch Line at two locations. The first segment extends from Railroad milepost 429.25 near Gurdon to Milepost 447 near Antoine, totaling 17.55 miles in Clark and Pike Counties, Arkansas. The second segment extends from Railroad Milepost 447 near Antoine to Milepost 479.2 near Birds Mill, totaling 32.2 miles in Clark, Pike, and Montgomery Counties, Arkansas.

The abandonment of these segments of rail and the discontinuation of rail service will not likely cause violations of State Water Standards. Should any stream crossing structures be demolished or repaired, then the activity will require further review for impacts to Waters of the State. Thank you for the opportunity to comment. I will forward your letters to the Hazardous Waste Division for their review.

If you have any questions, please contact me.

### Jason Hooks

Technical Project Manager  
Arkansas Department of Environmental Quality  
500 South Main Street  
Little Rock, Arkansas 72201



ARKANSAS  
Department of Environmental Quality

October 13, 2011

Richard H. Streeter  
Attorney at Law  
5255 Partridge Lane, NW  
Washington, D.C. 20016

RE: Proposed Abandonment of segment of the Norman Branch Line  
from Milepost 447 near Antoine to end of Line at Milepost 479.2

Dear Mr. Streeter:

The Arkansas Department of Environmental Quality has reviewed the information submitted for the above referenced project. The Hazardous Waste Division offers the following:

There are no known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

Thank you for the opportunity to comment and if you have any questions, please contact me at (501) 682-0947.

Sincerely,  
Arkansas Department of Environmental Quality

/s/ Nathaniel P. Nehus /s/

Nathaniel P. Nehus  
Ecologist  
Environmental Preservation & Technical Services Division